

Application Serial No. 10/621,188

Docket No. 99-66CON1
PATENTREMARKS

Claims 1-20 are now pending in the above-referenced patent application.

Claims 1-6 stand rejected as indefinite, and claims 1-12 stand rejected under the judicially created doctrine of obviousness-type double patenting.

Applicants respectfully request further consideration of these claims, in view of the amendments set forth above and the following remarks.

Applicants note the decision that claims 13-19 contain allowable subject matter and thank the Examiner for the decision.

Amendments to the Specification

The specification has been amended to update patent application reference information and to correct obvious typographical errors. No new matter has been added.

Amended Claims

Claims 1, 4, 7 and 17 have each been amended to clarify the claims without change in the substantive scope thereof.

No new matter has been added.

New Claims

New claim 20 has been added to claim certain preferred embodiments of the invention. Support for this claims can be found throughout the specification, including, for example, at page 8, lines 4-7.

No new matter has been added.

Objection

Claim 1 stands objected to because the term "carrier" should be plural. Applicants have amended independent claim 1 to address the objection. As such, Applicants respectfully request the objection be withdrawn.

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PATENTRejection Under 35 U.S.C. § 112 (Indefiniteness)

Claims 1-6 stand rejected as being indefinite for being indefinite. Applicants have amended independent claim 1 to clarify that the catalyst carriers are in a liquid medium, and claim 4 to correct the antecedent basis issue. This should remove the outstanding rejections. As such, Applicants respectfully request these rejections be withdrawn.

Obviousness-Type Double Patenting Rejections

Claims 1-12 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3-7, 25-26, 29, 36 and 40-41 of U.S. Patent No. 6,627,571 (hereafter "the '571 patent"). Applicants respectfully traverse this rejection.

Presently pending independent claim 1 requires that the porous catalyst carriers be delivered to the substrate in a dry solid state. Presently pending independent claim 7 requires that a plurality of solids, each consisting essentially of a catalyst carrier be delivered to the substrate. Thus, in these claims and the claims dependent thereon, the catalyst carrier is delivered to the substrate as a solid or in a dry solid state.

In contrast, independent claims 1, 29, 36, 40 and 41 of the '571 patent require the catalyst carrier be provided in a liquid suspension. The Office action stated that the only differences between the above rejected claims of the present application and the cited claims of the '571 patent is the limitation that the liquid suspensions in the '571 patent includes an agent to alter its viscosity, surface or wetting characteristics and facilitates handling.

As is shown above, independent claims 1 and 7 of the present invention are distinguishable from the claims of the '571 patent, in that the catalyst carriers of the present invention are not in a liquid suspension. They are delivered in a dry solid state or as a solid. Thus, Applicants respectfully assert that presently pending claims 1-12 are patentably distinct from those claims of the '571 patent cited in the Office action. As such, Applicants respectfully request the rejection be withdrawn.

Equivalents

The amendments to the claims and the arguments presented in response to the Office action have been made to claim subject matter which the Applicants regard as their invention. By such amendments, the Applicants in no way intend to surrender any range of equivalents beyond

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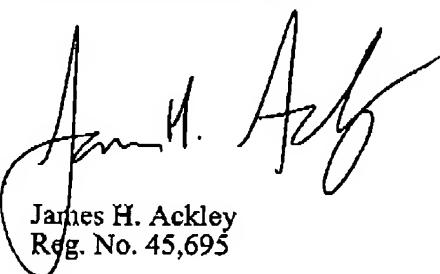
that which is needed to patentably distinguish the claimed invention as a whole over the prior art. Applicants expressly reserve patent coverage to all such equivalents that may fall in the range between applicants literal claim recitations and those combinations that would have been obvious in view of the prior art. In particular, none of the claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 USPQ2d 1705 (2002), and Applicants are therefore entitled to the full range of equivalents with respect to each of the presently-pending claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Applicants believe that no further fees are required in connection with the instant amendment. If necessary, however, the Examiner is hereby authorized to charge any fees required in connection with this application to Deposit Account No. 50-0496.

Respectfully submitted,

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